BY: Education, Health, and Environmental Affairs Committee

<u>AMENDMENTS TO SENATE BILL NO. 333</u>
(First Reading File Bill)

<u>AMENDMENT NO. 1</u>

On page 1, in line 3, strike "establishing" and substitute "<u>requiring the Department of Health and Mental Hygiene to establish and maintain</u>"; in line 4, strike "of Health and Mental Hygiene"; in line 8, strike "creating" and substitute "<u>requiring the Secretary to appoint</u>"; in line 12, after "confidential" insert "<u>and privileged and not subject to certain means of legal compulsion</u>"; and in line 18, after "terms;" insert "<u>providing that implementation of the Program is contingent on the Board obtaining certain federal grant money;</u>".

<u>AMENDMENT NO. 2</u>

On page 3, strike in their entirety lines 12 through 16, inclusive; in lines 17, 22, 25, 29, and 31, strike "(G)", "(H)", "(I)", "(J)", and "(K)", respectively, and substitute "<u>(F)</u>", "<u>(G)</u>", "<u>(H)</u>", "<u>(I)</u>", and "<u>(J)</u>", respectively; in line 20, strike "AND"; in line 21, after "OFFICE" insert "<u>; AND</u>

<u>(4)</u>   <u>THE OFFICE OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES</u>";

in lines 25 and 26, strike ": (1)"; and strike beginning with "; OR" in line 27 down through "CONCERN" in line 28.

On page 4, in lines 1, 3, 5, 7, 9, and 11, strike "(L)", "(M)", "(N)", "(O)", "(P)", and "(Q)", respectively, and substitute "<u>(K)</u>", "<u>(L)</u>", "<u>(M)</u>", "<u>(N)</u>", "<u>(O)</u>", and "<u>(P)</u>", respectively.

<u>AMENDMENT NO. 3</u>

On page 5, in line 14, after "APPROPRIATE" insert "<u>AND REAL-TIME, IF FEASIBLE,</u>"; strike in their entirety lines 17 and 18; after line 18, insert:

"<u>(6)</u>   <u>DETERMINE A PERIOD OF TIME AFTER WHICH THE INFORMATION</u>

COLLECTED IN THE DATABASE WILL BE DESTROYED;

   (7) REQUIRE THE BOARD TO APPLY FOR FEDERAL GRANT MONEY, AS APPROPRIATE;";

in lines 19 and 26, strike "(7)" and "(8)", respectively, and substitute "(8)" and "(9)", respectively; and in line 31, strike "15" and substitute "20".

AMENDMENT NO. 4
  On page 6, after line 2, insert:

   "(5) THE PRESIDENT OF THE MARYLAND BOARD OF NURSING, OR THE PRESIDENT'S DESIGNEE;";

in lines 3, 5, 9, 14, 17, 19, 22, and 24, strike "(5)", "(6)", "(7)", "(8)", "(9)", "(10)", "(11)", and "(12)", respectively, and substitute "(6)", "(7)", "(8)", "(9)", "(10)", "(11)", "(12)", and "(13)", respectively; in line 5, strike "TWO" and substitute "FOUR"; in the same line, after "PHYSICIANS" insert "AND ONE NURSE PRACTITIONER"; strike beginning with "PHYSICAL" in line 5 down through "REHABILITATION" in line 6 and substitute "AREAS OF PRACTICE THAT INVOLVE PAIN MANAGEMENT"; in line 7, after "WITH" insert ":

   (I)";

in line 8, after "SOCIETY" insert ", THE MARYLAND PHYSICAL MEDICINE AND REHABILITATION SOCIETY, AND THE MARYLAND SOCIETY OF ANESTHESIOLOGISTS WITH RESPECT TO THE PHYSICIAN APPOINTMENTS; AND

   (II) THE MARYLAND NURSES ASSOCIATION WITH RESPECT TO THE NURSE PRACTITIONER APPOINTMENT";

in line 9, strike "TWO" and substitute "THREE"; strike beginning with "WHO" in line 9 down through "PHARMACISTS" in line 10; and in line 13, after "ORGANIZATION" insert ":

   (I) TWO OF WHOM REPRESENT THE PERSPECTIVE OF INDEPENDENT AND CHAIN PHARMACIES AND PHARMACISTS; AND

   (II) ONE OF WHOM REPRESENTS THE PERSPECTIVE OF HOSPITAL OUTPATIENT PHARMACIES".

AMENDMENT NO. 5

On page 7, in line 7, after "PROGRAMS" insert ", WITH THE OBJECTIVE OF AVOIDING ANY FEE OR ASSESSMENT AGAINST DISPENSERS OR PRESCRIBERS"; in line 18, after "MONITORING;" insert "AND"; strike in their entirety lines 19 and 20; in line 21, strike "(III)" and substitute "(II)"; in line 25, strike "WITHIN THE PROGRAM"; after line 25, insert:

"(B)   THE MULTIDISCIPLINARY CONSULTATION TEAM SHALL REFLECT THE DIVERSITY AND BALANCE OF PERSPECTIVES REPRESENTED ON THE ADVISORY BOARD.";

in lines 26 and 32, strike "(B)" and "(C)", respectively, and substitute "(C)" and "(D)", respectively; and strike beginning with "PROVIDE" in line 30 down through "DIVERSION" in line 31 and substitute "HELP ACHIEVE THE DIVERSITY AND BALANCE OF PERSPECTIVES REPRESENTED ON THE ADVISORY BOARD".

AMENDMENT NO. 6

On page 8, in line 12, after "PRESCRIBER;" insert "AND"; strike beginning with "; AND" in line 13 down through "DISPENSER" in line 15; in line 27, after "CONFIDENTIAL" insert "AND PRIVILEGED, AND NOT SUBJECT TO DISCOVERY, SUBPOENA, OR OTHER MEANS OF LEGAL COMPULSION IN CIVIL LITIGATION"; and in line 32, after "RECIPIENT" insert ":

(1)   IN CONNECTION WITH THE MEDICAL CARE OF A PATIENT;

(2)   IN CONNECTION WITH THE DISPENSING OF A MONITORED PRESCRIPTION DRUG; OR

(3)   FOR THE PURPOSE OF FURTHERING AN INDIVIDUAL INVESTIGATION".

AMENDMENT NO. 7

On page 9, in line 15, after "FROM" insert ":
(1)   REQUESTING OR RECEIVING, OR FAILING TO REQUEST OR RECEIVE, PRESCRIPTION MONITORING DATA FROM THE PROGRAM; OR

       (2)   ACTING, OR FAILING TO ACT, ON THE BASIS OF PRESCRIPTION MONITORING DATA PROVIDED BY THE PROGRAM”;

strike beginning with “FAILURE” in line 15 down through “PROGRAM” in line 16; in line 26, strike “AND”; and in line 28, after “ADDICTION” insert “; AND

       (4)   THE ROLE OF MONITORED PRESCRIPTION DRUGS IN THE MANAGEMENT OF PAIN, INCLUDING THE DISTINCTION BETWEEN ADDICTION AND PHYSICAL DEPENDENCE”.

AMENDMENT NO. 8

     On page 10, after line 2, insert:

     “SECTION 2. AND BE IT FURTHER ENACTED, That implementation of the Prescription Drug Monitoring Program to be established under § 21-2A-02 of the Health - General Article, as enacted by Section 1 of this Act, is contingent on the Advisory Board on Prescription Drug Monitoring established under § 21-2A-03 of the Health - General Article, as enacted by Section 1 of this Act, obtaining some federal grant money in accordance with regulations adopted under § 21-2A-02(d) of the Health - General Article.”;

and in line 3, strike “2.” and substitute “3.”.